

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Before the Honorable GREGORY J. FOURATT

CRIMINAL CLERK'S MINUTES at Las Cruces

Case Number:	23-924 MJ	Date:	6/7/2023	Recording Information:	LCR-SIERRA BLANCA
Clerk:	CATHY ALVAREZ	Type of Hearing:	DETENTION		
Defendant(s):		Attorney(s):		Appt'd.	Ret'd.
MICHAEL DAVID FOX		DANIEL RUBIN		<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
Assistant U.S. Attorney:	LINDY CARPENTER	Interpreter:	N/A		
Pretrial Officer:	BRENDA RICHARDSON	Court in Session:	9:37-9:54 A.M. 17 MINS		
<input type="checkbox"/>	Court advises Defendant(s) of possible penalties and all constitutional rights				
<input type="checkbox"/>	ORAL Motion for Detention Hearing by Government				
<input type="checkbox"/>	Court grants <input type="checkbox"/> Government's <input type="checkbox"/> Defense counsel's oral motion to continue detention hearing				
<input type="checkbox"/>	Waiver of preliminary hearing & right to grand jury presentment filed in open court				
<input checked="" type="checkbox"/>	Defendant released on the following conditions				
<input checked="" type="checkbox"/>	Conditions of Release continued on Page 2				
<input checked="" type="checkbox"/>	<p>OTHER: GOVERNMENT ARGUES IN SUPPORT OF DETENTION. DEFENDANT IS A DANGER; THE STRENGTH IN THE EVIDENCE IS HIGH AND THEY HAVE A RECORDING. AFTER THE FBI INTERVIEW, DEFENDANT SENT AN EMAIL RELATING TO THE THREATS. NO THIRD-PARTY CUSTODIAN HAS BEEN IDENTIFIED AND THEY OPPOSE RELEASE TO A HALFWAY HOUSE. DEFENSE COUNSEL PROFFERS FOR RELEASE. DEFENDANT IS 60 YEARS OLD, HAS NO CRIMINAL HISTORY AND UNDERSTANDS WHAT HE GOT HIMSELF INTO AND WILL NEVER DO THIS AGAIN IN THE FUTURE, HE JUST GOT CARRIED AWAY. DEFENSE COUNSEL IS ASKING FOR RELEASE TO THE KOA CAMPGROUND, WHERE THEY WILL WELCOME HIM BACK. COURT'S RULING – COURT RELEASES DEFENDANT ON A \$5,000 UNSECURED BOND TO THE DIERSEN CHARITIES RESIDENTIAL REENTRY CENTER AND ON THE FOLLOWING CONDITIONS AS LISTED BELOW.</p>				

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CONDITIONS OF RELEASE			
<input checked="" type="checkbox"/>	Bond set: \$5,000 unsecured	<input checked="" type="checkbox"/>	Avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: co-defendants.
<input checked="" type="checkbox"/>	Defendant released to the third party custody of: Diersen Charities Residential Reentry Center.	<input checked="" type="checkbox"/>	Participate in medical or psychiatric treatment/mental health assessment/treatment/counseling as directed by Pretrial Services.
<input checked="" type="checkbox"/>	Defendant must reside with the Third Party Custodian.	<input checked="" type="checkbox"/>	Defendant must maintain residence at the halfway house and comply with all facility rules.
<input checked="" type="checkbox"/>	Defendant must not violate federal, state, tribal or local law while on release.	<input checked="" type="checkbox"/>	Not possess a firearm, destructive device, or other dangerous weapon.
<input checked="" type="checkbox"/>	Defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.	<input checked="" type="checkbox"/>	Refrain from the use of alcohol and submit to random alcohol screening as directed by Pretrial Services.
<input checked="" type="checkbox"/>	Defendant must advise the Court or the Pretrial Services office or supervising officer in writing before making any change of residence or telephone number.	<input checked="" type="checkbox"/>	Not use or unlawfully possess a narcotic drug or other controlled substances, unless prescribed by a licensed medical practitioner.
<input checked="" type="checkbox"/>	Defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the Court may impose.	<input checked="" type="checkbox"/>	Submit to random drug screening as directed by Pretrial Services and not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
<input checked="" type="checkbox"/>	Defendant must sign an Appearance Bond.	<input type="checkbox"/>	Participate in a program of substance abuse treatment as directed by Pretrial Services.
<input checked="" type="checkbox"/>	Report to Pretrial Services for supervision, as directed.	<input type="checkbox"/>	<p>Participate in the location monitoring program as directed by pretrial services and comply with all of the program requirements and instructions, employing the following technology and component:</p> <p>Technology: Active Global Positioning System (GPS)</p> <p>Component: Home Detention</p> <p>Defendant must pay all or part of the cost of the program based on ability to pay.</p>
<input type="checkbox"/>	Continue or actively seek employment	<input checked="" type="checkbox"/>	Report as soon as possible, to Pretrial Services, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
<input checked="" type="checkbox"/>	Surrender any passport to Pretrial Services and do not obtain a passport or other international travel documents.	<input checked="" type="checkbox"/>	Refrain from the use and possession of synthetic cannabinoids or legally sold designer drugs.
<input checked="" type="checkbox"/>	Travel restricted to county of residence, with direct travel to Las Cruces, NM for court hearings and meet with attorney; Pretrial is authorized to expand travel; NO TRAVEL TO MEXICO.	<input type="checkbox"/>	Other: